

Parties to the main proceedings

Applicant: UAB 'Gelvora'

Defendant: Valstybinė vartotojų teisių apsaugos tarnyba

Operative part of the judgment

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') must be interpreted as meaning that the legal relationship between a debt collection agency and the debtor, who has defaulted under a consumer credit agreement and whose debt has been assigned to that agency, falls within the material scope of the directive. The practices in which that agency engages in order to recover that debt fall within the concept of 'product' within the meaning of Article 2(c) of that directive. In that regard, the fact that the existence of the debt was confirmed by a court decision, and that that decision was passed to a bailiff for enforcement, is without consequence.

⁽¹⁾ OJ C 335, 12.9.2016.

Judgment of the Court (Eighth Chamber) of 20 July 2017 (request for a preliminary ruling from the Tribunal Judicial da Comarca de Faro — Portugal) — Luís Manuel Piscarreta Ricardo v Portimão Urbis, E.M., SA, in liquidation, Município de Portimão, Emarp — Empresa Municipal de Águas e Resíduos de Portimão, EM, SA

(Case C-416/16) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2001/23 — Article 1(1)(b) — Article 2(1)(d) — Transfer of undertakings — Safeguarding of employees' rights — Scope — Concepts of 'employees' and 'transfer of a business')

(2017/C 300/09)

Language of the case: Portuguese

Referring court

Tribunal Judicial da Comarca de Faro

Parties to the main proceedings

Applicant: Luís Manuel Piscarreta Ricardo

Defendants: Portimão Urbis, E.M., SA, in liquidation, Município de Portimão, Emarp — Empresa Municipal de Águas e Resíduos de Portimão, EM, SA

Operative part of the judgment

1. Article 1(1) of Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses must be interpreted to the effect that, where a municipal undertaking, whose sole shareholder is a municipality, is wound up by a decision of the municipality's executive body and its activities are transferred in part to the municipality to be carried on directly by it and in part to another municipal undertaking re-formed for that purpose, whose sole shareholder is also that same municipality, that situation falls within the scope of the directive, provided that the identity of the undertaking in question is preserved after the transfer, which is a matter for the referring court to determine.

2. A person such as the applicant in the main proceedings who, because his employment contract is suspended, is not actually performing his duties, is covered by the concept of 'employee' within the meaning of Article 2(1)(d) of Directive 2001/23 in so far as that person is protected as an employee under the national law concerned, which is, however, a matter for the referring court to verify. Subject to that verification, in circumstances such as those at issue in the main proceedings, the rights and obligations arising from that person's employment contract must be considered to have been transferred to the transferee, in accordance with Article 3(1) of the directive.
3. The third question raised by the Tribunal Judicial da Comarca de Faro (District Court, Faro, Portugal) is inadmissible.

⁽¹⁾ OJ C 383, 17.10.2016.

Order of the Court (Eighth Chamber) of 6 July 2017 — Olga Stanislavivna Yanukovych, as heir of Viktor Viktorovych Yanukovych v Council of the European Union, European Commission

(Case C-505/16 P) ⁽¹⁾

(Appeal — Article 181 of the Rules of Procedure of the Court — Restrictive measures taken having regard to the situation in Ukraine — List of persons, entities and bodies subject to the freezing of funds and economic resources — Inclusion of the applicant's name — Modification of the form of order sought — Statement submitted in the name and on behalf of the deceased applicant)

(2017/C 300/10)

Language of the case: English

Parties

Appellant: Olga Stanislavivna Yanukovych, as heir of Viktor Viktorovych Yanukovych (represented by: T. Beazley QC)

Other parties to the proceedings: Council of the European Union (represented by: P. Mahnič Bruni and J.-P. Hix, acting as Agents), European Commission (represented initially by S. Bartelt and J. Norris-Usher, and then by E. Paasivirta and J. Norris-Usher, acting as Agents)

Operative part of the order

1. *The appeal is dismissed.*
2. *Mrs Olga Stanislavivna Yanukovych shall bear her own costs and pay those incurred by the Council of the European Union.*
3. *The European Commission shall bear its own costs.*

⁽¹⁾ OJ C 441, 28.11.2016.